

LANDSCAPE MAINTENANCE AGREEMENT

ARIZONA PROJECT IR-40-4(95)

(HOLBROOK INTERSTATE FREEWAY)

THIS AGREEMENT, made this 17 day of July, 1984, pursuant to A.R.S. Sec. 11-951 through Sec. 11-954, by and between the Department of Transportation, Highways Division, an agency of the State of Arizona, thereunto duly authorized, hereinafter designated Department of Transportation and the City of Holbrook, a municipal corporation, thereunto duly authorized, hereinafter designated as City.

WITNESSETH:

WHEREAS, it is to the mutual advantage of the Department of Transportation and the City to landscape certain areas within the right-of-way on Interstate 40 from the 8th Avenue Overpass, median centerline roadway station 1640+00 to the Holbrook (Navajo Boulevard) Traffic Interchange, median centerline roadway station 1701+00, a net distance of approximately 1.16 miles.

NOW THEREFORE, it is hereby mutually agreed by and between the Department of Transportation and the City, pursuant to the authority contained in A.R.S. Sec. 28-108 as follows:

1. The Department of Transportation will prepare plans for the landscaping and irrigation project and submit them to the Federal Highway Administration for approval.

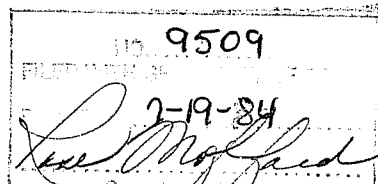
2. Upon approval, the project will be constructed by the Department of Transportation using state funds and federal funds apportioned to the State of Arizona.

3. The City shall furnish and install necessary water services from existing water mains to the designated locations within the right-of-way from the 8th Avenue Overpass, median centerline roadway station 1640+00 to the Holbrook (Navajo Boulevard) Traffic Interchange, median centerline roadway station 1701+00 at the City established water service schedule rates, all at the Department of Transportation expense.

4. The City shall furnish all water for landscape installation during the construction phase, and all water hereafter necessary to properly maintain the landscape between the right-of-way lines from the 8th Avenue Overpass, median centerline roadway station 1640+00 to the Holbrook (Navajo Boulevard) Traffic Interchange, median centerline roadway station 1701+00 all at City expense.

5. The Department of Transportation shall maintain the landscaping and irrigation system within the right-of-way from the 8th Avenue Overpass, median centerline roadway station 1640+00 to the Holbrook (Navajo Boulevard) Traffic Interchange, median centerline roadway station 1701+00.

6. The Department of Transportation shall furnish all electrical power necessary to maintain the landscaping within the right-of-way from the 8th Avenue Overpass, median centerline roadway station 1640+00 to the Holbrook (Navajo Boulevard) Traffic Interchange, median centerline roadway station 1701+00.



7. The City hereby agrees to save and hold harmless the Department of Transportation, or any of its departments, agencies, officers or employees from all cost and damage incurred by any of the above and from any other damage to any person or property whatsoever, which is caused by an activity, condition, or event arising out of the performance or non-performance of any provision of this agreement by the City, any of its agents, or any of its independent contractors. The above cost incurred by the Department of Transportation or any of its departments, agencies or employees shall include in the event of an action, court costs, expenses of litigation and reasonable attorneys' fees. When any above cost, damage or other damage occurs as aforesaid, the City assumes the burden of proof that the activity, condition, or event did not cause such cost, damage or other damage.

8. This agreement shall be filed with the Secretary of State and shall become effective on the date of such filing.

9. Attached hereto are resolutions of the Department of Transportation and the City authorizing both entities to enter into this agreement, and a written determination by the City Attorney of Holbrook that this agreement is in proper form and within the powers and authority granted to the City under the laws of this State.

10. The effective date of this agreement shall be upon filing with the Secretary of State and shall remain in full force and effect for a period of five (5) years from the effective date unless terminated earlier by mutual consent of the parties hereto or unless this agreement violates any Arizona law, rule or regulation, either now enacted or which may be enacted in the future. This agreement will be automatically renewed for successive periods of five (5) years unless the parties hereto mutually agree by formal amendment reflected herein to this agreement not less than one (1) month prior to the initial or renewed expiration date.

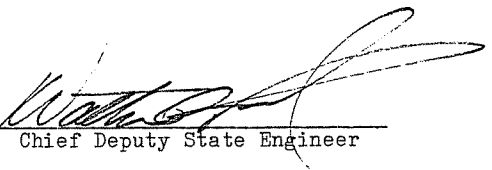
11. All parties are hereby put on notice that this Contract (Agreement) is subject to cancellation by the Governor, pursuant to Arizona Revised Statutes, Section 38-511.

IN WITNESS WHEREOF the parties have executed two copies of this agreement on the day and year herein written.

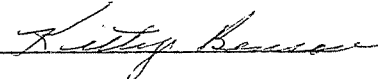
ARIZONA DEPARTMENT OF
TRANSPORTATION

CITY OF HOLBROOK, a municipal
corporation

By


Chief Deputy State Engineer

By



MINUTES OF THE REGULAR MEETING
OF THE HOLBROOK CITY COUNCIL HELD ON
June 12, 1984

CALL TO ORDER: Mayor Benson called the meeting to order at 7:04 p.m.
and led in the pledge of allegiance. Prayer was by Councilman Cole.

ROLL CALL: Mayor Kitty Benson, Vice Mayor Bob Cole, Council Members
Boyd Wolfington, Jim Baldry, Rodger Hathaway and Bob Hagy.

ABSENT: K. Van Palmer

CITY STAFF: City Manager Paul J. Richards, Finance Director Ray Alley,
City Attorney John Taylor, City Magistrate Robert Harvey and
Secretary Carol DeWitt.

VISITORS: There were approximately 40 visitors in attendance.

MINUTES: Minutes of regular council meeting of 5/22/84 and special
meeting of 5/29/84 were presented to the Council. Councilman Cole
made motion to approve the minutes; seconded by Councilman Baldry
and approved unanimously.

Dick Sizemore came before the Council regarding plans for the
All Indian Rodeo, Pow Wow and Cultural Arts Fair which would be
scheduled in October and reported on meetings that he has attended
regarding this. He is asking financial support from the City so
that they will be able to pursue getting the event in Holbrook as it
is felt to be important to our community. He stated that the City
of Page is also seeking to have the Rodeo finals in their town.
Mayor Benson asks that the Council obtain legal advice from the City
Attorney in executive session before decision is reached.

1 Jerry Hubert, administrator of Helping Hands Center, made a
2 presentation and report to Council regarding activities during the
3 past few months and plans for the future. Joseph Crabtree and
4 Jeff Bremer also spoke on behalf of the Center. Mr. Hubert is
5 asking that the Council renew the contract with the Helping Hands
6 Center as the present contract expires June 30, 1984. Mayor Benson
7 stated that this matter is also scheduled for legal advice from the
8 City Attorney during executive session before any decision is reached.

9
10 Larry Lopez, administrator of Dawson Learning Center at Sun Valley,
11 along with several of his staff members, were in attendance to explain
12 their programs and offer alternatives if Helping Hands Center
13 contract is not renewed. They would ask for financial assistance from
14 the City if they were permitted to submit a proposal to offer services.

15
16 At this time, 7:40 p.m., Mayor Benson adjourned the meeting into
17 executive session.

18
19 Council reconvened into regular session at 8:30 p.m. Councilman Cole
20 made a motion to approve minutes of executive session held on 5/22/84;
21 seconded by Councilman Hagy and approved unanimously.

22
23 Mayor Benson asked for a motion regarding Helping Hands Center contract
24 Motion was made by Councilman Hagy to renew Helping Hands Center
25 contract; seconded by Councilman Hathaway; unanimously approved.

1 Councilman Hathaway made a motion to give to the Holbrook Petrified
2 Forest Chamber of Commerce an additional \$15,000 which could be used
3 for promotion of All Indian Rodeo and Fair. This was seconded by
4 Councilman Hagy and was unanimously approved.

5
6 REPORT OF OFFICERS: Councilman Hathaway expressed appreciation for
7 the excellent convention of the Associated Firefighters of Arizona
8 which was held during the past week and which was hosted by Holbrook
9 Volunteer Fire Department. Councilman Hathaway stated he has received
10 many favorable comments from citizens of the community. He is asking
11 that a letter of commendation to our fire department be prepared for
12 the Mayor's signature.

13 Councilman Wolfington stated that the planter boxes and shrubs which
14 have been placed on East Hopi Drive are a great asset to our town
15 and that he would like to see this beautification on our entire
16 main street areas.

17
18 CLAIMS: Councilman Hathaway made a motion to approve payment of the
19 claims as presented; seconded by Councilman Baldry and approved
20 unanimously.

21
22 MANAGER'S REPORT: City Manager Richards gave a brief report on the
23 street improvements that have been completed and what is being planned
24 in the near future. He also reported that extension to the runway
25 at the airport had just been completed. Improvements at the
26 Wastewater Treatment Plant were proceeding according to schedule with
27 most of the sludge removed from the one lagoon at this time.

1 Funding in the amount of \$24,00 for completion of the second story
2 addition of the Golf Course Club House had been approved previously
3 by the Council for inclusion in next year's budget. However, there
4 are sufficient funds left before the end of this fiscal year and
5 City Manager Richards is asking that the Council approve expenditure
6 of the funds at this time and then next year's Golf Course budget
7 would more clearly reflect actual operating expenses. Councilman
8 Cole made a motion to expend the requested \$24,00 during this
9 fiscal year to complete the Golf Course Club House addition; second
10 was by Councilman Hagy and it was approved unanimously.

11
12 City Manager Richards asked the Council for permission to complete
13 the purchase of the Fern Randall property on our industrial site
14 before the close of the fiscal year. Cost is estimated to be about
15 \$58,000. City Manager Richards stated that he has two companies
16 working on brochures and he hopes to have them ready for printing by
17 June 30. If Randall property was purchased before that time then
18 brochure could state a total of 640 acres available for industrial
19 development. Finance Director Alley stated there are sufficient
20 funds to do this. Councilman Hathaway made a motion to approve
21 purchase of the Fern Randall property at this time; second was by
22 Councilman Wolfington and voting was unanimous.

23
24 Finance Director Alley reported that tentative budget should be
25 approved at the regularly scheduled Council meeting on 7/10/84.
26 Any additional work sessions on the budget should be held before that
27 time. Work session was called for 6/19/84 at 5:00 p.m. Economic
28 development budget and budget review will be discussed at that time.

1 OLD BUSINESS: City Manager Richards reported that memo in packet
2 from Larry Ferguson of the Humane Department, outlines that additional
3 hours are being covered by Humane Officers to help control problem
4 of dogs loose on the streets.

5 City Manager Richards stated that at present plans are to locate the
6 state correctional facility in Winslow, but if things did not work
7 out there he believed we would still be under consideration.

8 Regarding Lion Chemical Co., City Manager Richards states he has
9 been working with Apache Railway administration regarding possible
10 switching yard on our industrial site and if this was made available
11 he felt there was still a chance that the chemical company would
12 come here. Mr. Richards will be meeting on 6/19/84 with Mr. David
13 Pool, president of Apache Railroad, to discuss this.

14 Jobs Grant Bill is being rewritten at this time by OEPAD and NACOG
15 according to City Manager Richards.

16
17 Improvements at old Court House are continuing. Sprinkler systems
18 are in and Historical Society Museum has reopened for summer months.
19 City Manager Richards has been working with Red Cross personnel to
20 possibly provide them with an office in the building. Mr. Richards
21 reports offices of Dept. of Economic Security will not be moving
22 from old Court House on July 1st as originally planned. Departure
23 has been delayed for a few weeks.

24
25 Finance Director Alley reports that they are actively working on
26 Spurlock Hills Improvement District procedures, and if all goes as
27 planned water and sewer improvements could be completed by November,
28 1984.

1 Application for Bingo License made by Holbrook Elks Lodge # 2450
2 was presented to the Council. Motion was made by Councilman Hagy
3 to approve the application; seconded by Councilman Hathaway and
4 approved unanimously.

5
6 Liquor License applications of Cork and Bottle - Series # 9 and
7 Jiffy Market - Series # 11 were presented to the Council. These
8 applications have been posted the required number of days and
9 no objections have been received. Motion was made by Councilman
10 Hathaway to approve the license applications and forward them to
11 the state for their action; this was seconded by Councilman
12 Wolfington and approved unanimously.

13
14 Possibility of lowering water rates for the summer months was
15 discussed. Motion was made by Councilman Hathaway and seconded
16 by Councilman Hagy to lower the water rates from .90¢ to .70¢
17 per thousand gallons of water used for the months of June, July,
18 and August, only, returning to regular rate with September billing.
19 This was unanimously approved.

20 Contract with Arizona Department of Transportation for landscaping
21 at interchanges in town was presented. City Attorney Taylor stated
22 that contract was in proper form. Motion was made by Councilman
23 Hathaway to approve Mayor Benson to sign this contract on behalf
24 of the City Council; seconded by Councilman Cole and approved
25 unanimously.

26
27 Finance Director Alley mentioned that the Police Department was
28 asking again to have alley abandoned on East side of building.

1 After brief discussion it was felt not enough information was
2 available for a decision, so it will be put on agenda for regular
3 council meeting on June 26, 1984 and Chief James will be asked to
4 attend and present information.

5
6 Resolution regarding Floodplain management-whether City or County
7 jurisdiction-merits more discussion according to City Attorney Taylor,
8 so this item will also be on the agenda for June 26th.

9
10 There being no further business before the Council at this time,
11 motion was made by Councilman Baldry to adjourn; seconded by
12 Councilman Hathaway and the meeting was adjourned at 9:15 p.m.

13
14
15 APPROVED:

16
17 Kitty Benson, Mayor

18
19 CITY OF HOLBROOK:

20
21 Paul J. Richards, City Manager

STATE OF ARIZONA)
 : SS
County of Navajo)

I, Kitty Benson, Mayor of the
City of Holbrook, Arizona, do hereby certify that the following is a
true and correct extract of the minutes of the City Council meeting
held June 12, 1984:

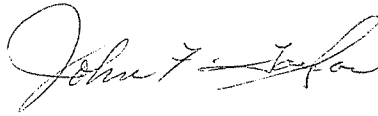
In Witness Whereof, I have hereunto set my hand and affixed
the Official Seal of the City of Holbrook, Arizona. Done in Holbrook,
Arizona this 12th day of June, 1984.

Kitty Benson

APPROVAL OF THE CITY ATTORNEY

I hereby state that I have reviewed the proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, STATE ENGINEER and the CITY OF HOLBROOK and declare this agreement to be in proper form and within the powers and authority granted under the laws of the State of Arizona.

DATED this 12th day of June, 1984.

A handwritten signature in cursive script, appearing to read "John F. Taylor".

JOHN F. TAYLOR
The City Attorney



OFFICE OF THE
Attorney General
TRANSPORTATION DIVISION
1275 WEST WASHINGTON
PHOENIX, ARIZONA 85007
(602) 255-1680

ROBERT K. CORBIN
ATTORNEY GENERAL

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A. G. Contract No. 84-381, which is an agreement between public agencies, has been reviewed pursuant to A.R.S. Sec. 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State or its agencies under the laws of the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

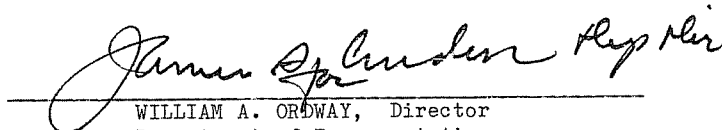
DATED this 10th day of July, 1984

ROBERT K. CORBIN
Attorney General

Albert Mayer
Assistant Attorney General
Transportation Division

RESOLUTION

Be it resolved on this date, July 17, 1984, I, WILLIAM A. ORDWAY, the below undersigned Director, Department of Transportation, have determined that it is to be to the advantage of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, and the CITY OF HOLBROOK, acting by and through its CITY COUNCIL enter into the intergovernmental agency agreement for the purpose of entering in a landscape maintenance agreement for certain projects which have been selected by the State and subject to the approval of the City of Holbrook as by law required; and request the City to perform certain work and supply necessary materials required to maintain the specified areas in the manner specified in the attached agreement.


WILLIAM A. ORDWAY, Director
Department of Transportation